

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

TYLER MILLER,

Plaintiff,

v.

CV 12-789 MCA/CG

ALFREDO VILLALOBOS and  
RWI CONSTRUCTION, INC.,

Defendants.

**AMENDED ORDER SETTING SETTLEMENT CONFERENCE**

To facilitate a final disposition of this case, a mandatory settlement conference will be conducted in accordance with Federal Rule of Civil Procedure 16(a)(5). The conference will be held on **Thursday, February 28, 2013, at 9:00 a.m.** in the **Organ Courtroom (4th Floor, South Tower) of the United States Courthouse and Federal Building, 100 North Church Street, Las Cruces, N.M.**

The parties or a designated representative, other than counsel of record, with full authority to resolve the case, must attend in person. Counsel who will try the case must attend in person. All attorneys and parties involved in the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for and during the conference.<sup>1</sup>

At least 14 calendar days prior to the date of the settlement conference, plaintiff's counsel shall serve on defense counsel a letter that sets forth at least the

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<sup>1</sup> This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

following information: (a) a brief summary of the evidence and legal principles that plaintiff asserts will allow it to establish liability; (b) a brief explanation of why damages or other relief would appropriately be granted at trial; (c) an itemization of the principles supporting those damages; and (d) a settlement demand. At least 10 calendar days before the settlement conference, defense counsel shall serve on plaintiff's counsel a letter that sets forth at least the following information: (a) any points in plaintiff's letter with which the defense agrees; (b) any points in plaintiff's letter with which the defense disagrees, with references to supporting evidence and legal principles; and (c) a settlement offer. Each of these letters typically should be 5 pages or fewer, and counsel will ensure that each party reads the opposing party's letter before the settlement conference.

Plaintiff's counsel shall provide copies of these letters to my chambers no later than 7 calendar days before the conference. At least 6 days before the conference, each party must provide me, in confidence, a concise letter (typically no more than 4 pages) which shall contain an analysis of the strengths and weaknesses of its case. These letters may be sent to me by facsimile transmission at **575.528.1675** or [garzaschambers@nmcourt.fed.us](mailto:garzaschambers@nmcourt.fed.us).

Furthermore, if any party has in its possession any video or audio recordings of the incident upon which this action is based, that party must send me a copy of the recording at least 10 calendar days before the conference.

The settlement conference may not be vacated or rescheduled except upon motion by the party or parties seeking to reschedule for good cause shown. Any

motion to vacate or reschedule the settlement conference shall provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the settlement conference.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal flourish extending to the right.

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CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE